

Derrick D. ROBERTSON, *et al.*
Serial No. 10/541,061
April 15, 2009

AMENDMENTS TO THE DRAWINGS:

Applicants submit concurrently herewith eleven (11) sheets of annotated drawings illustrating Figs. 1-13 showing proposed changes in red ink, accompanied by eleven (11) sheets of formal replacement drawings incorporating such amendments.

Attachments: Replacement Sheets (11)
Annotated Sheets Showing Changes (11)

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REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Initially, the Examiner's attention is drawn to applicants' related copending application Serial No. 10/517,434 filed December 10, 2004 (being handled by Examiner Bryant in Art Unit 4123, an office action having been issued on January 14, 2009), and Serial No. 10/539,413 filed June 17, 2005 (allowed December 31, 2008, by Examiner Youssef in Art Unit 2618). Office actions and prior art cited in these related cases are attached, together with a suitable Form PTO/SB/08a and the IDS fee for this stage of prosecution. Official citation and consideration of all such documents are respectfully requested.

The rejection of claim 15 under 35 U.S.C. §102 as allegedly anticipated by Jaskiewicz '491 – and the rejection of claims 1-15, 10, 13 and 16-19 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jaskiewicz in view of Rhea are both respectfully traversed.

The above amendments to the independent claims effectively incorporate the limitations of original dependent claim 4, now cancelled without prejudice or disclaimer. Accordingly, the Examiner's explanation for rejection of claim 4 and its parent claims is of particular interest and is addressed below.

The argument that because Rhea recites:

"[e]ach network node can act as a server that stores objects, a client that initiates requests, or a router that forwards messages, or as all of these'

a skilled person would replicate any functionality on any computer in Jaskiewicz on all the computers in Jaskiewicz is untenable. Such an approach would require all software present on any computer in a network to be present on all the others. Computers in such a system would very quickly become overloaded with software as the size of the network expanded. A skilled person would, of course, also require some motivation to replicate even one given piece of software on each computer on a network.

Jaskiewicz does not teach that the data item **and the storage condition** might be forwarded to another of the host computers. The Examiner will see the importance of this distinction. By forwarding the storage condition along with the data item, the recipient computer is able to execute its own 'host characteristic provision code' and 'condition interpreter code', and 'data item storage code' or 'data item forwarding code'. This provides the significant advantage of avoiding the need for a centralized resource directory as is seen in Jaskiewicz (item 4 in Figs. 1 and 2). By contrast, each device in applicants' system just measures its own storage capabilities using its 'host computer characteristic provision code'.

The Examiner also contemplates that it might be obvious to replicate the centralized resource directory of Jaskiewicz at each of the Host Electronic Devices 2, 6, 10. But as noted above, replication without motivation is clearly counter-intuitive. In fact, this caution against replication *per se* applies to an even greater degree here because a skilled person would not want to generate all the network traffic / computation which would be required to keep the replicated distributed (no longer central) "centralized" resource directories up-to-date.

Given this fundamental deficiency of Jaskiewicz (which is not cured by Rhea), it is not believed necessary at this time to discuss additional deficiencies of these references with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible for a claimed to be anticipated or made obvious by prior art that does not teach or suggest each and every feature of that claim.

The rejection of claims 11-12 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jaskiewicz/Rhea in further view of Chatterjee '815 is also respectfully traversed.

Fundamental deficiencies of Jaskiewicz have already been noted above with respect to at least one parent claim. Neither Rhea nor Chatterjee supplies those deficiencies. Accordingly, it is not necessary at this time to discuss additional deficiencies of this allegedly "obvious" three-way combination of references with respect to the additional aspects of these rejected claims.

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The rejection of claim 14 under 35 U.S.C. §103 as allegedly being made “obvious” based on Jaskiewicz/Rhea in further view of Stadel '590 is also respectfully traversed – for similar reasons. That is, Stadel also fails to supply the deficiencies of Jaskiewicz noted above for a parent claim and, thus, it is not necessary at this time to discuss additional deficiencies of this allegedly “obvious” three-way combination of references with respect to the additional features of rejected claim 14.

The Examiner's attention is also drawn to new claims 20 and 21 which are drawn respectively to subject matter corresponding to that of independent claim 1, but directed to a single network node (i.e., one of the nodes in the distributed storage network of claim 1) and to a method of operating a computer so configured.

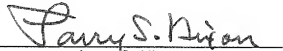
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Accordingly, this entire application is now believed to be in allowable condition,
and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

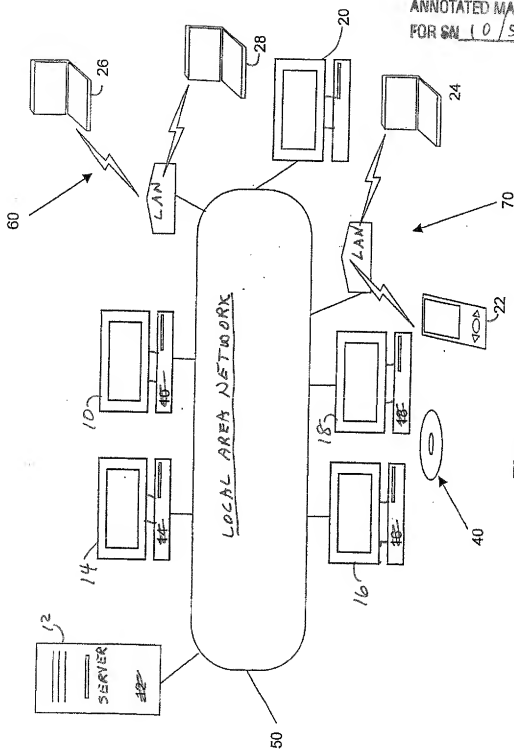
A handwritten signature in dark ink, appearing to read "Larry S. Nixon", is written over a horizontal line.

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ANNOTATED MARKED UP DRAWINGS
FOR SN 10/541,061



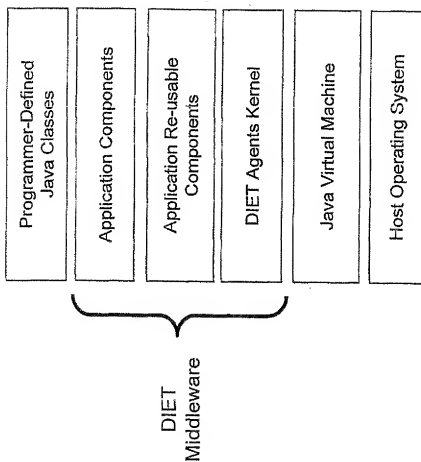
ANNOTATED MARKED UP DRAWINGS
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Figure 2

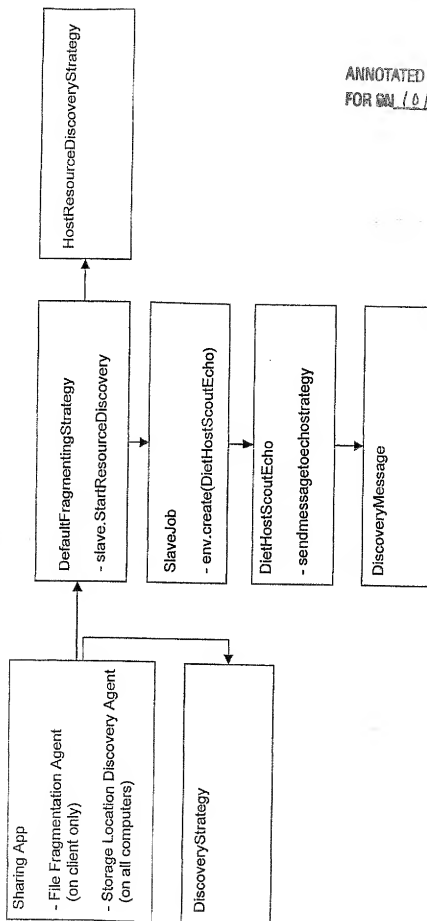
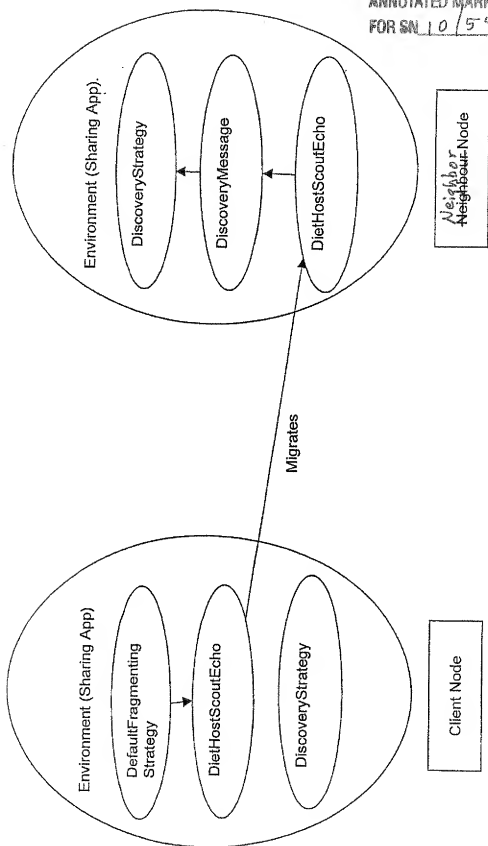
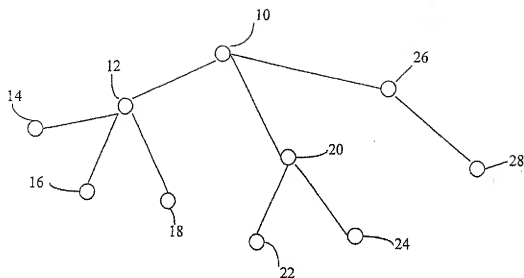
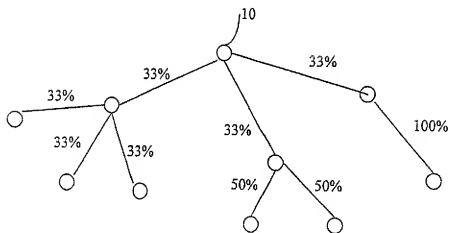
ANNOTATED MARKED UP DRAWINGS
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Figure 3

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/541,061**Figure 4**

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/541,061**Figure 5****Figure 6**

ANNOTATED MARKED UP DRAWINGS

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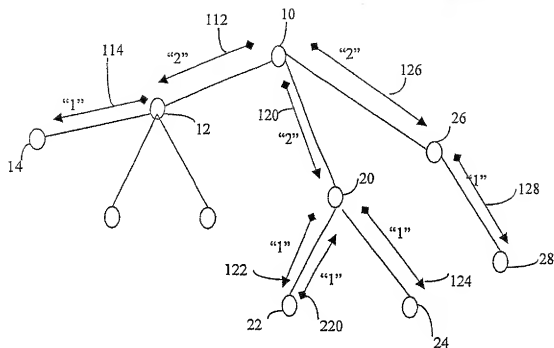


Figure 7

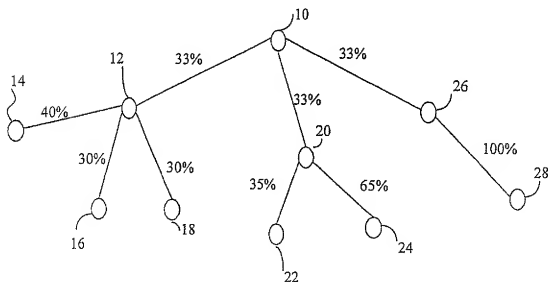


Figure 8

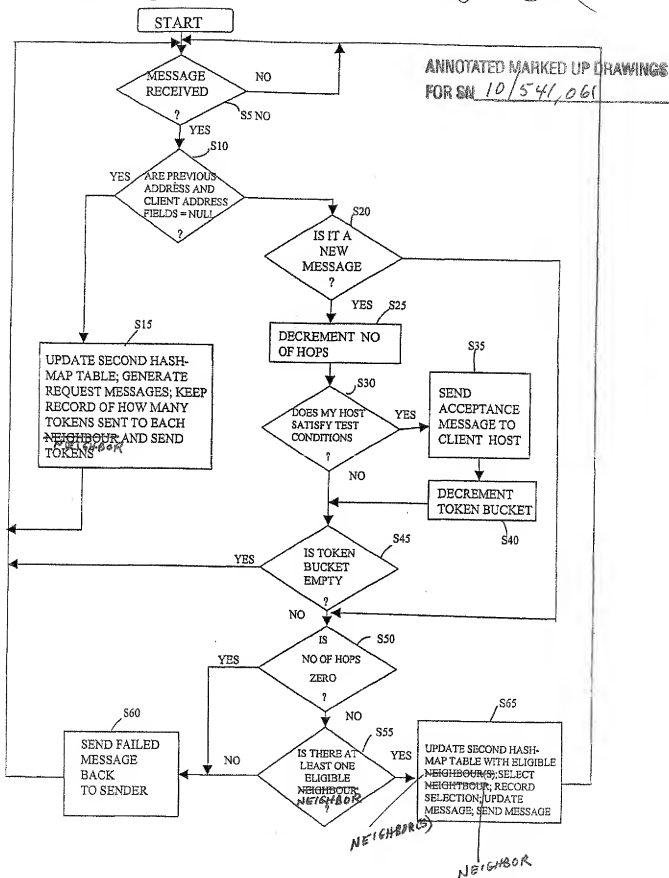


Figure 9

Figure 10

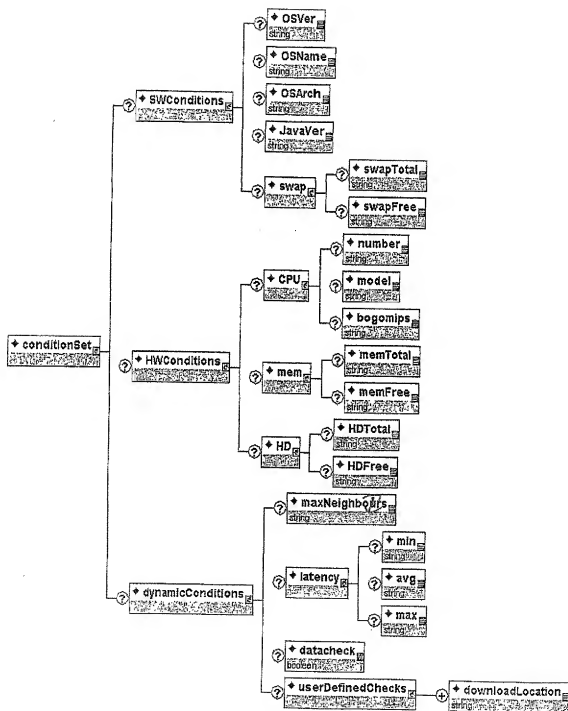
ANNOTATED MARKED UP DRAWINGS
FOR SN 10/541,061

Figure 11

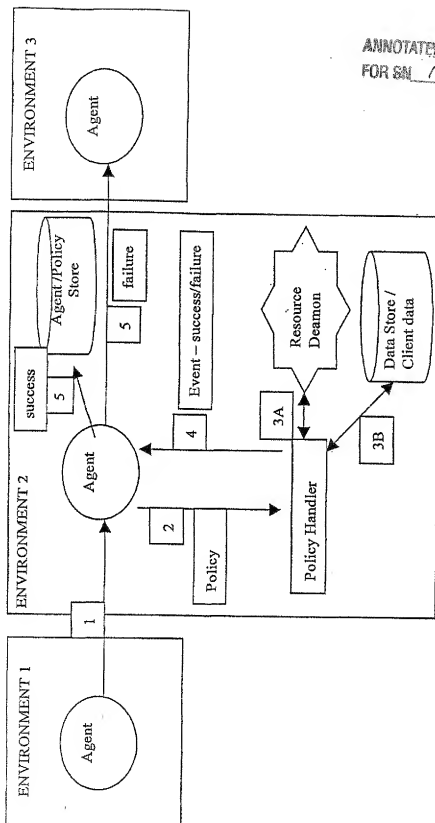
ANNOTATED, MARKED UP DRAWING
FOR SN 10/541,061

Figure 12

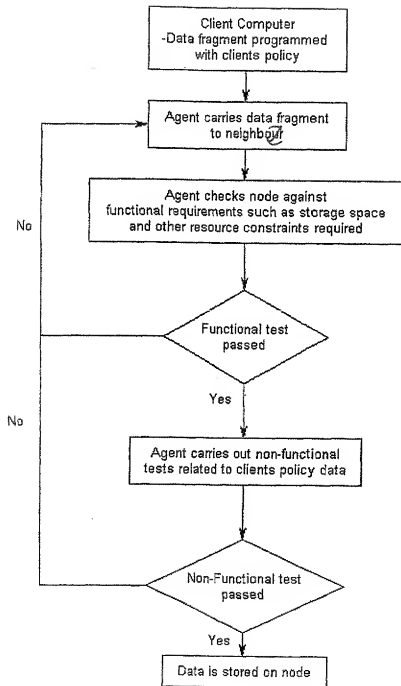
ANNOTATED MARKED UP DRAWINGS
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Figure 13